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August 14, 2024

ECF

Honorable Naomi Reice Buchwald
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: U.S. v. Devin Richardson, 23 Cr. 439 (NRB)
Unopposed Third Defense Request to Extend Motion Schedule.

Dear Judge Buchwald:

The reason for this third unopposed Defense request is that I am waiting for the Government to produce relevant ESI metadata addressing issues raised in Mr. Richardson's motions which were not answered in a review of the discovery provided.

By way of background, as reported in my August 8th letter to Your Honor in which I requested an extension of the motion schedule by one week, Defense motions were shared with the assigned assistant prior to their due date. After reviewing the motions, in the hope of settling certain factual claims, which it believes are incorrect, the Government shared 3500 material of NYPD interview notes which it claims obviate the need for defense motions. However, in light of certain screenshot images in the discovery from the officers' cell phones, the issue is still open to dispute. For this reason, the Government has agreed to provide the requested metadata of these images, but it is taking longer than expected. Considering that the current schedule requires Defense motions by August 15th, I am respectfully requesting the Court's indulgence to order a new schedule giving the parties sufficient time to provide the requested material, review it, and decide whether defense motions still have merit.

Based on my last communication with the assigned assistant, he is making every effort to provide this material "with all possible speed" but unable to give a precise date. Considering my personal end of month vacation schedule, and assuming that the Government can provide the requested material within the next two weeks, I am requesting that Defense motions, if any, be

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filed by September 5th and that Government's response due by October 7th. I agree furthermore to an exclusion of time to September 5th under the Speedy Trial Act.

If there are any questions, I can be reached immediately at 917-751-5754.

Thank you.

Respectfully submitted,

Richard Palma
Richard Palma

Application granted.

SO ORDERED.


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Dated: August 15, 2024
New York, New York

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